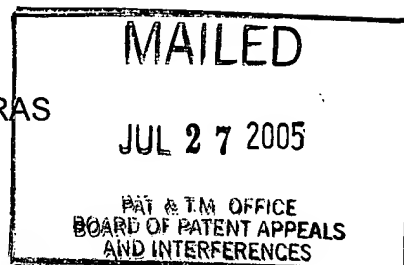


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRANK EDWARD JOUTRAS
and RONALD J. HRUSKA JR.

Application 09/379,851



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on May 18, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

An Information Disclosure Statement (IDS) was filed November 8, 1999. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. In particular, the examiner did not initial pages 5 through 12 or sign and date the document on page 12. Appropriate correction is required.

Application 09/379,851

Accordingly, it is

ORDERED that the application is returned to the Examiner for

1) consideration of the November 8, 1999 IDS, 2) written notification to appellant regarding the result of the examiner's consideration, and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



Craig Feinberg
Program and Resource Administrator
(571) 272-9797

CRF/eld

Vicent L. Carney
P.O. Box 80836
Lincoln, NE 68501-0836